

ARTICLE III. DANGEROUS BUILDINGS

Sec. 9-41. Defined.

All buildings or structures that may have any or all of the following defects shall be deemed dangerous buildings:

- (1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- (3) Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City;
- (5) Those which have become or are so dilapidated, decayed, unsafe, or which so utterly fail to provide the amenities necessary for human habitation, or are likely to work injury to the health, safety or general welfare of those living therein;
- (6) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication;
- (7) Those that have parts thereof that are so attached that they may fall and injure members of the public or their property;
- (8) Those that because of their condition are unsafe, or dangerous to health, safety or general welfare of the people of the City;
- (9) Those buildings existing in violation of any provision of the building code of the City, or any provision of the fire prevention code, or other ordinances of the City.

Sec. 9-42. Nuisance declared.

All dangerous buildings are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Sec. 9-43. Historic buildings or structures.

Under all circumstances, the Historic District Commission must approve exterior alterations, including demolition, to a property, building or structure within a Historic District Zone, before demolition or exterior alterations that are not considered in-kind repairs may occur.

In addition, any building or structure that is not in a Historic District Zone but is identified in the Historic Building Catalog, as revised, that is the subject of an application for nomination, historic evaluation, or demolition permit may not be demolished during the historic designation review period. Exterior alterations may not occur during this period unless the property owner receives a Certificate of Approval from the Historic District Commission as required by the City of Rockville Zoning Ordinance, Section 25.14.01.d.6.

Sec. 9-44. Violations.

(a) The owner of any dangerous building may not fail to comply with any notice or order to repair, vacate, or demolish such building given by any person authorized by this Article to give such notice or order. Each day such failure to comply continues beyond the date fixed for compliance shall be deemed a separate offense.

(b) The occupant or lessee in possession may not fail to comply with any notice to vacate and fail to repair the building in accordance with any notice given as provided for in this Article. Each day such failure to comply continues beyond the date fixed for compliance shall be deemed a separate offense.

(c) A person may not remove the notice provided for in Section 9-47, Paragraph (6) or in Section 9-48, Paragraph (8).

Sec. 9-45. Emergencies.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person (unless a dangerous building is immediately repaired, vacated or demolished), the Chief of Inspection Services Division shall report such facts to the City Manager, and the City Manager shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in Section 9-49, Paragraph (5).

Sec. 9-46. Absence of owner from City.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagor is absent from the City, all notices or orders provided for herein shall be sent by certified mail, with a return receipt requested, to the owner, occupant, mortgagor, lessee, and all other persons having an interest in the building as shown by the property tax or assessment records of the City to be the last known address of each. A copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

Sec. 9-47. Duties of City Fire Marshal.

The City Fire Marshal or his/her authorized representative shall:

(1) Provide notification to the Chief of Inspection Services of any reports related to dangerous buildings pursuant to Section 9-41 received from the Fire Department or the Police Department of the City of Rockville;

(2) Inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, apartments, commercial, manufacturing, or loft buildings for the purpose of determining whether any condition exists which render such places a dangerous building;

(3) Inspect any building, wall, or structure about which complaints are filed by any person, to the effect that a building, wall, or structure is or may be existing in violation of this Chapter;

(4) Inspect any building, wall, or structure reported (as hereinafter provided for) by the Fire Department or the Police Department of this City as probably existing in violation of the terms of this Article;

(5) Appear at all hearings conducted by the City Manager and testify as to the condition of dangerous buildings;

(6) Place a notice on all dangerous buildings reading as follows:

"This building has been found to be a dangerous building by the Chief of Inspection Services Division. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the occupant, owner, and all other persons having interest in the said property as shown by the property tax or assessment records of the City of Rockville of this building. It is unlawful to remove this notice until such notice is complied with."

Sec. 9-48. Duties of Chief of Inspection Services Division.

The Chief of Inspection Services Division or his/her authorized representative shall:

(1) Inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, apartments, commercial, manufacturing, or loft buildings for the purpose of determining whether any condition exists which render such places a dangerous building;

(2) Inspect any building, wall or structure about which any person to the effect files complaints that a building, wall, or structure is or may be existing in violation of this Article;

(3) Inspect any building, wall, or structure reported (as hereinafter provided for) by the Fire Department or the Police Department of this City as probably existing in violation of the terms of this Article;

(4) Notify in writing the occupant, owner, and all other persons having interest in the property (as shown by the property tax or assessment records of the City), of any building found by him/her to be a dangerous building that the owner must vacate, or repair, or demolish, or have such work or act done, provided that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time (not exceeding sixty (60) days), as may be necessary to do, or have done, the work or act required by the notice provided for herein;

(5) Set forth in the notice provided for in Section 9-48, Paragraph (4) a description of the building or structure deemed unsafe, a statement of particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time (not exceeding sixty (60) days), as is reasonable;

(6) Report to the City Manager any noncompliance with the notice provided for in paragraphs (4), (5), and (8) of this Section;

(7) Appear at all hearings conducted by the City Manager and testify as to the condition of dangerous buildings;

(8) Place a notice on all dangerous buildings reading as follows:

"This building has been found to be a dangerous building by the Chief of Inspection Services Division. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the occupant, owner, and all other persons having interest in the said property as shown by the property tax or assessment records of the City of Rockville of this building. It is unlawful to remove this notice until such notice is complied with."

Sec. 9-49. Duties of the City Manager.

The City Manager shall:

(1) Upon receipt of a report of the Chief of Inspection Service Division or his/her authorized representative as provided for in Section 9-48, Paragraph (6), give written notice to the occupant, owner, and all other persons having interest in the property as shown by the property tax or assessment records of the City to appear before him on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Chief of Inspection Services Division's notice provided for herein in Section 9-48, Paragraph (5);

(2) Hold a hearing and hear such testimony as the Chief of Inspection Services Division, the City Fire Marshal, or the occupant, owner, and all other persons having interest in the property as shown by the property tax or assessment records of the City shall offer relative to the dangerous building;

(3) Make written findings of fact from the testimony offered pursuant to Section 9-49, Paragraph (2) as to whether or not the building in question is a dangerous building;

(4) Issue an order based upon findings of fact made pursuant to Section 9-49, Paragraph (3) commanding the occupant, owner, and all other persons having interest in the property, as shown by the property tax or assessment records of the City, to repair, vacate, or demolish any building found to be a dangerous building; provided that:

a. Any person so notified, except the owners, shall have the privilege of either vacating or repairing the dangerous building; or

b. Any person not the owner of the dangerous building, but having an interest in the building as shown by the property tax or assessment records of the City may demolish the dangerous building at his/her own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the City as provided for in Section 9-49, Paragraph (5).

(5) If the occupant, owner, and all other persons having interest in the property (as shown by the property tax or assessment records of the City) fail to comply with the order provided for in Section 9-49, Paragraph (4) within ten (10) days, the City Manager shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinafter provided in Section 9-53 and shall, with the assistance of the City Attorney, cause the cost of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such cost to be added to the tax due as an assessment or to be levied as a special tax against the land upon which the building stands, or did stand, or is to be recovered in a suit of law against the owner; provided that in cases where such procedure is desirable, and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of the City, the City Manager shall notify the City Attorney to take legal action to force the owner to make all necessary repairs or demolish the building;

(6) Report to the City Attorney the names of all persons not complying with the order provided for in Section 9-49, Paragraph (4).

Sec. 9-50. Duties of the City Attorney.

The City Attorney or his/her authorized representative shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 9-48, Paragraphs (4) and (5), and the order provided for in Section 9-49, Paragraph (4);

(2) Appear at all hearings before the City Manager in regard to dangerous buildings;

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the City Manager in repairing or causing to be vacated or demolished dangerous buildings;

(4) Take such other legal action as is necessary to carry out the terms and provisions of this article.

Sec. 9-51. Duties of the Fire Department.

The employees of the Fire Department are requested to make a report in writing to the Chief of Inspection Services Division or City Fire Marshal of all buildings or structures that are, may be, or are suspected to be dangerous buildings. Any employee of the Fire Department should deliver such reports to the Chief of Inspection Services Division or the within twenty-four (24) hours of the discovery of such buildings.

Sec. 9-52. Duties of Police Department.

All employees of the Police Department shall make a report in writing to the Chief of Inspection Services Division or City Fire Marshal of any buildings or structures that are, may be, or are suspected to be dangerous buildings. Such reports must be delivered to the Chief of Inspection Services Division or the City Fire Marshal within twenty-four (24) hours of the discovery of such buildings by any employee of the Police Department.

Sec. 9-53. Standards for repair, vacation or demolition.

The Chief of Inspection Services Division and his/her authorized representative in ordering repair, vacation, or demolition shall follow the following standards in substance:

(1) If the dangerous building can reasonably be repaired so it will no longer exist in violation of the terms of this Article, it shall be ordered repaired;

(2) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated;

(3) In any case where a dangerous building is fifty (50) percent damaged or decayed or deteriorated from its original value or structure, it shall be demolished or repaired; and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished;

(4) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Article or any ordinance of the City or statute of the State of Maryland, it shall be demolished.

Secs. 9-54 – 9-60. Reserved.